

## APPEAL NO. 010524

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 15, 2001. The hearing officer resolved the disputed issues of injury and disability by deciding:

1. The appellant (claimant herein) did not sustain a compensable injury on \_\_\_\_\_.
2. The claimant did not have disability.

The claimant appealed, contending that the hearing officer's resolution of the disputed evidence was contrary to the evidence and that the hearing officer failed to provide an explanation for his decision. The respondent (carrier herein) replies that there is sufficient evidence in the record to support the hearing officer's decision.

### DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

There was conflicting evidence presented at the CCH on the issue of injury. The claimant testified that she was injured while working for the employer when a chair in which she sat collapsed. There was evidence that the claimant continued to work without complaint after the alleged injury and, in fact, did not report the incident until the employer set in motion disciplinary action against her for an unrelated matter for which she was eventually terminated. The question under our standard of review was whether the hearing officer's determinations were so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Applying this standard, we find sufficient evidence to support the hearing officer's finding that the claimant did not sustain a compensable injury on \_\_\_\_\_.

Finally, with no compensable injury found, there is no loss upon which to find disability. By definition, disability depends upon a compensable injury. See Section 401.011(16).

The decision and order of the hearing officer are affirmed.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge